IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.740 OF 2005
IN
SUIT NO.2090 OF 1996

Indian Overseas Bank. ..Plaintiff.

V/s.

Kosiwala Exports & Ors. ..Defendants.

Ms.Aidyyar i/b Aiyyar & Co. for Plaintiff.

Mr.M.Bhandari with Suman Jain for Defendants.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 22, 2005.

P.C. :

1. Heard counsel for the parties. Perused the pleadings.

2. Indeed there is delay of 986 days in filing of the present application. The applicant has made unsuccessful attempt in explaining the delay. In my opinion, excuse mentioned, though not sufficient, in the interest of justice, indulgence can be shown to the applicant on condition that applicant to pay costs to the plaintiff quantified at Rs.3,000/-. In the circumstances, the chamber summons is made absolute in terms of prayer clause (a) and (b) on payment of costs of Rs.3,000/- to the plaintiff

within two weeks from today.

3. It will be open to the defendant to serve reaffirmed copy of the written statement dated 5th May, 2005 on the plaintiffs and file the same in the registry.